

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DONALD ROBIN BARREN,

Plaintiff,

vs.

PHILIP J. KOHN, *et al.*,

Defendants.

2:13-cv-01078-RCJ-NJK

**ORDER**

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Neither a filing fee nor an application to proceed *in forma pauperis* was submitted with the complaint. Plaintiff must either submit the filing fee or submit an application to proceed *in forma pauperis* when initiating an action in this Court.

Due to the defects presented, the pauper application will be denied, and the present action will be dismissed without prejudice to the filing of a new complaint in a new action with a pauper application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new complaint being untimely. In this regard, plaintiff at all times remains responsible for calculating the running of the limitations period as applied to his case and properly commencing a timely-filed civil rights action.

**IT IS THEREFORE ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to the filing of a new complaint in a new action, with a proper *in forma pauperis*

1 application in compliance with 28 U.S.C. § 1915(a).

2 **IT FURTHER IS ORDERED** that all pending motions in this action are **DENIED**.

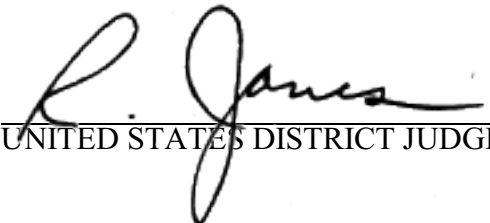
3 **IT FURTHER IS ORDERED** that the Clerk of the Court **SHALL SEND** plaintiff two  
4 copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for same,  
5 two copies of a blank 42 U.S.C. § 1983 prisoner civil rights form, and one copy of instructions for  
6 the same. The Clerk of Court **SHALL SEND** plaintiff a copy of the complaint (ECF No. 1)  
7 submitted in this action.

8 **IT IS FURTHER ORDERED** that plaintiff may file a new complaint and *in forma pauperis*  
9 application in a new action, but he may not file further documents in this action.

10 **IT IS FURTHER ORDERED** that the Clerk of the Court **SHALL ENTER JUDGMENT**  
11 accordingly.

12 **IT IS FURTHER ORDERED** that this Court **CERTIFIES** that any *in forma pauperis*  
13 appeal from this order would **not** be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3).

14 Dated this 9th day of July, 2013.

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17 UNITED STATES DISTRICT JUDGE  
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